



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1994

Mr. Gregory P. Hitt
Small, Craig & Werkenthin
100 Congress Avenue, Suite 1100
Austin, Texas 78701-4099

OR94-156

Dear Mr. Hitt:

On behalf of the Austin Housing Authority ("the authority"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 23411.

The authority received a request for the following information:

1. the complete list of property owners currently housing Section 8 recipients with the property owner's business address, and
2. the complete list of properties in Austin currently leased in whole or in part to Section 8 recipients with the address of the property [and;]
3. AHA budget and annual reports for [fiscal years] 1993, 1992, 1991, 1986, [and] 1981.

You say the authority will release the information requested in item three. You assert that the authority may withhold the other requested information under sections 552.101, 552.104, and 552.110 of the act, because you say the release of this information implicates the property and privacy rights of the owners and tenants of public housing.

You have submitted two lists. One is a statewide landlord directory, which contains the names and addresses of landlords of public housing; the other is a tenant listing, which contains the names and addresses of tenants of public housing in Austin.

As you point out, the requestor does not seek the names of the tenants; thus, in response to request item 2, you may release the tenant listing, with those names deleted. With these deletions, the privacy rights of the tenants are no longer implicated.¹

As for the statewide landlord directory, we consider your assertion that the privacy rights of the owners of public housing are implicated by its release. Section 552.101 of the act excepts from required public disclosure information considered to be confidential by law. This exception embraces information made confidential by judicial decisions regarding privacy. *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In order for information to be excepted by a common-law right of privacy, it must (1) contain highly intimate or embarrassing facts about a person's private affairs, such that its publication would be highly objectionable to a person of ordinary sensibilities, and (2) be of no legitimate concern to the public. *See id.* at 685.

Prior decisions concerning disclosure of financial information furnished to a public body distinguish between "background financial information furnished to a public body about an individual" and the "basic facts regarding a particular financial transaction between the individual and the public body. *See, e.g.,* Open Records Decision No. 590 (1991). While the information in the first category is protected by privacy law, the information in the second category is not so protected. *See* Open Records Decision No. 545 (1990). We find that the names of the owners of public housing are within the second category; as such they are public information. *See* Open Records Decision No. 268 (1981).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

¹We note, however, that this office has determined that the circumstance of an individual's residence in subsidized housing is not excepted by constitutional or common-law privacy. *See* Open Records Decision No. 318 (1982) at 2.

Ref.: ID# 23411

Enclosures: Submitted documents

cc: Ms. Kathy Mitchell
1403 Olit
Austin, Texas 78702
(w/o enclosures)